

HOUSE BILL 3198

By Faulkner

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 15 and Title 40, Chapter 35, relative to eligibility for diversion programs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-15-105, is amended by adding the following new subdivision (a)(2) and by redesignating present subdivisions accordingly:

(2) In addition to the definition of a “qualified defendant” set out in subdivision (a)(1)(B), a person who is at least eighteen (18) years of age but less than twenty-one (21) years of age and who is charged with a violation of § 57-3-412(a)(3), (4) or (5), § 57-4-203(b)(2), § 57-5-301(a) or (d), § 39-15-404 or § 1-3-113, is not eligible to enter into a memorandum of understanding and have prosecution of any such charge suspended pursuant to this part unless such person fully cooperates with law enforcement, the district attorney general, the alcoholic beverage commission and any applicable local beer board by truthfully revealing the establishment where the alcoholic beverage, wine, or beer as those terms are defined in title 57, was purchased and the establishment employee from whom it was purchased, if known. If the person charged did not purchase the alcohol from a licensed or permitted establishment, the person charged shall reveal the person from whom it was purchased or who purchased it on behalf of the person charged.

SECTION 2. Tennessee Code Annotated, Section 40-35-313, is amended by adding the following new subdivision (C) to subdivision (a)(1):

(C) In addition to the definition of a “qualified defendant” set out in subdivision (a)(1)(B), a person who is at least eighteen (18) years of age but less than twenty-one (21) years of age and who is charged with a violation of § 57-3-412(a)(3)(4) or (5), § 57-

4-203(b)(2), § 57-5-301(a) or (d), § 39-15-404 or § 1-3-113, is not eligible to have the court defer further criminal proceedings and place the person on probation pursuant to this section unless such person fully cooperates with law enforcement, the district attorney general, the alcoholic beverage commission and any applicable local beer board by truthfully revealing the establishment where the alcoholic beverage, wine, or beer as those terms are defined in title 57, was purchased and the establishment employee from whom it was purchased, if known. If the person charged did not purchase the alcohol from a licensed or permitted establishment, the person charged shall reveal the person from whom it was purchased or who purchased it on behalf of the person charged.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.